

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RODRIGUES PRUITT,)
)
Petitioner,)
)
v.)
)
JERRY LESTER, Warden, and)
ATTORNEY GENERAL OF THE)
STATE OF TENNESSEE,)
)
Respondents.)

No. 3:11-cv-0627
Judge Campbell

O R D E R

The petitioner brings this pro se action seeking federal habeas corpus relief under 28 U.S.C. § 2254. Presently pending before the court is a motion for appointment of counsel by the petitioner (Docket No. 2) and a motion to dismiss the § 2254 petition as untimely by the respondents (Docket No. 22).

As provided in the memorandum entered contemporaneously herewith, the petitioner's motion for appointment of counsel (Docket No. 2) is **DENIED**. Further, the petition for writ of habeas corpus relief is **DENIED**, and this action is **DISMISSED** with prejudice. Rule 8, Rules – Section 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; see *Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will NOT issue, *Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002)(citing *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1072 (6th Cir. 1997) and *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001)).

Entry of this order shall constitute the judgment in this action.

Todd Campbell
Todd J. Campbell
United States District Judge